GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2675
ANSWERED ON:10.05.2016
Custodial Deaths
Trivedi Shri Dinesh

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of custodial deaths reported during each of the last three years and the current year, gender and State-wise;

(b) the total number of such cases solved/unsolved along with the action taken against the guilty police personnel during the said period, State-wise;

(c) the steps taken by the Government to solve all the cases;

(d) whether the Government has received representations, guidelines and recommendations from the National Human Rights Commission (NHRC) in this regard during the said period; and

(e) if so, the details thereof and the action taken by the Government on such representations, guidelines and recommendations along with the outcome thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a) & (b): Information is being collected and will be laid on the Table of the House.

(c) to (e): Police and Public order are State subjects under the 7th
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Schedule of Constitution of India. It is primarily the responsibility of the State Government to appropriately prevent and ensure non occurrence of police atrocities and protect the human rights of the citizen. However, National Human Rights Commission issues guidelines/procedure to be followed in cases of death caused in police action from time to time. Pursuant to the guidelines laid down by the NHRC, every death in police or judicial custody is to be reported within 24 hours of the occurrence. The Commission also calls for various reports such as inquest, post mortem report, magisterial enquiry report, viscera report etc. for ascertaining foul play or negligence, if any, by public servants, which resulted in the death in custody.

During various workshops, seminars and camps sittings, the Commission sensitize senior officers in State Governments for better protection of human Rights.

As per Section 18 of Protection of Human Rights Act, 1993, after completion of the inquiry under the Act, in case where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, the National Human Rights Commission may recommend
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to concerned Government or authority to make payment of compensation or damages to the complainant or to the victim or the members of his family. The same provision exists for the State Human Rights Commission under the Section 29 of the said Act.

The PHR Act further mentions that the Commission shall send a copy of its Inquiry Report together with its recommendations to the concerned Government or authority. The concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the Report, including the action taken or proposed to be taken thereon, to the Commission. The Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.
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